

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JONATHAN ANTHONY RUSHING, )  
Petitioner, ) CASE NO. C07-476-RSM  
v. )  
MAGGIE MILLER-STOUT, ) ORDER DISMISSING § 2254  
Petition ) PETITION  
Respondent. )

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the balance of the record, does hereby find and

## ORDER:

(1) The Court adopts the Report and Recommendation.

(2) Petitioner's petition for a writ of habeas corpus (Dkt. #6) is DISMISSED as untimely.  
*See* 28 U.S.C. § 2244(d)(1)(A).

(3) The Clerk is directed to send a copy of this Order to petitioner, and to counsel for respondent.

DATED this 14<sup>th</sup> day of March, 2008.

  
RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE